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Working Group on Indigenous Populations
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CONSIDERATION OF A PERMANENT FORUM FOR INDIGENOUS PEOPLE

Report of the workshop held in accordance with Commission resolution 1995/30

(Copenhagen, 26-28 June 1995)

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Introduction

1. In accordance with Commission on Human Rights resolution 1995/30 of 3 March 1995, a workshop on the possible establishment of a permanent forum for indigenous people in the United Nations system was held at Copenhagen from 26 to 28 June 1995. As requested in the resolution, the Centre for Human Rights invited representatives of Governments and organizations of indigenous people as well as independent experts and representatives of intergovernmental organizations considered to have an interest in the question. The background papers prepared by the independent experts are available as addendum 2 to the present document.

I. PARTICIPATION

2. The workshop was attended by two independent experts: Mrs. Erica-Irene Daes, Chairperson of the Working Group on Indigenous Populations, and Mr. Rodolfo Stavenhagen, Professor at El Colegio de Mexico.

3. The following States were represented: Australia, Bangladesh, Brazil, Canada, Chile, China, Colombia, Denmark (Greenland Home Rule), India, Indonesia, Japan, Kenya, Malaysia, New Zealand, Norway, Peru, Russian Federation, Spain, Sweden, Thailand, United States of America.

4. The following specialized agency was represented: International Labour Organization.

5. The following organizations of indigenous people were represented: Aboriginal and Torres Strait Islander Commission, Asia Indigenous Peoples Pact, Confederación Indígena de Bolivia, Consejo de Todas las Tierras, Consultorio Jurídico de Pueblos Indígenas de Panamá, Consultorio Jurídico de los Pueblos de Integración Tawantinsuyana, Coordenaçao das Organizaçoes Indigenas da Amazonia Brasileira, Coordinación de Organizaciones del Pueblo Maya de Guatemala, Grand Council of the Crees (of Quebec), International Alliance of the Indigenous Tribal Peoples of the Tropical Forest, International Indian Treaty Council, International Organization of Indigenous Resources Development, Maa Development Association, Maori Congress, National Aboriginal and Torres Strait Islander Legal Services Secretariat, National Federation of Indigenous Peoples of the Philippines, Sami Council (Norway, Sweden, Finland and Russian Federation), Sami Parliament of Norway, Sihasapa Lakota, South East Treaty 4 Tribal Council and World Council of Indigenous Peoples.

6. The following non-governmental organization in consultative status with the Economic and Social Council was also represented: International Work Group on Indigenous Affairs.

7. The following organizations, institutions and individuals were represented: Danish Centre for Human Rights, Raoul Wallenberg Institute of Human Rights and Humanitarian Law, The Assyrian National Congress, University of Copenhagen and University Aarhus.

II. DOCUMENTATION

8. The following documents were made available to the Workshop:

Agenda (HR/COPENHAGEN/1995/SEM/1/REV.1);

Working paper by Mrs. Erica-Irene Daes, expert and Chairperson-Rapporteur of the Working Group on Indigenous Populations, on the establishment of a permanent forum (HR/COPENHAGEN/1995/SEM/2);

The rights and participation of indigenous peoples: a challenge for our time by Rodolfo Stavenhagen (HR/COPENHAGEN/1995/SEM/3);

Statement by the Grand Council of the Crees (of Quebec) (HR/COPENHAGEN/1995/SEM/4);

Preliminary list of attendance and final list of attendance (HR/COPENHAGEN/1995/SEM/INF.1 and INF.2);

Note verbale dated 18 January 1995 from the Permanent Mission of Denmark to the United Nations Office at Geneva addressed to the United Nations Centre for Human Rights (E/CN.4/1995/141);

Commission on Human Rights resolution 1995/28 on the International Decade of the World's Indigenous People;

Commission on Human Rights resolution 1994/30 on a permanent forum for indigenous people in the United Nations system;

Commission on Human Rights resolution 1995/31 on the report of the Working Group on Indigenous Populations of the Subcommission on Prevention of Discrimination and Protection of Minorities;

Note by the secretariat on the Vienna Declaration and Programme of Action (A/CONF.157/23);

General Assembly resolution 48/163 on the International Decade of the World's Indigenous People;

General Assembly resolution 49/214 on the International Decade of the World's Indigenous People;

Report of Working Group on Indigenous Populations on its twelfth session (E/CN.4/Sub.2/1994/30 and Corr.1);

Note by the Chairperson-Rapporteur, Mrs. Erica-Irene Daes, on consideration of a permanent forum for indigenous peoples (E/CN.4/Sub.2/AC.4/1994/13);

Subcommission on Prevention of Discrimination and Protection of Minorities resolution 1994/50 on a permanent forum in the United Nations for indigenous people.

III. AGENDA

9. The meeting was opened by Mr. Poul Nielson, Minister for Development Cooperation of the Government of Denmark, and Mr. Daniel Skifte, Vice-Premier of the Home Rule Government of Greenland. Participants invited Mr. Tyge Lehmann to be the Facilitator of the workshop.

10. At the outset, some participants flagged the imperative of first having a clear definition of "indigenous people" and the scope of a possible permanent forum. They also stated that in the absence of a universally applicable definition, discussions on a possible permanent forum would be impossible. For purposes of facilitating discussion, however, they agreed to proceed and to participate in the workshop. As a result they emphasized that their statements would be simply an exchange of informal views. The following agenda, as revised, was adopted:

1. Possible models for a permanent forum and evaluation of their respective strengths and weaknesses taking into account the following elements:

(a) Scope of a permanent forum;

(b) United Nations body to which proposed forum would report and its relationship with the United Nations;

(c) Mandate and terms of reference;

(d) Activities that might be undertaken by the forum;

(e) Membership;

(f) Participation of indigenous people;

(g) Relationship with the Working Group on Indigenous Populations;

(h) Financial and secretariat implications;

(i) Other matters such as location of forum.

2. Comments and suggestions to be transmitted to the thirteenth session of the Working Group on Indigenous Populations.

11. A wide range of comments and suggestions were made during the three day Workshop which are summarized in the following paragraphs:

A. Scope of a permanent forum (item 1 (a))

12. Some participants were in favour of establishing a permanent forum for indigenous people in the United Nations system to consider issues relating to the ethnic, cultural and social survival of all the world's indigenous people.

13. It was argued by some participants that a clear definition of "indigenous people" was needed before a meaningful discussion about the possible establishment of a permanent forum could be undertaken. Other participants considered that a definition was not a prerequisite to the establishment of a permanent forum.

14. Under this sub-item some participants stated that "scope" meant "definition". Some participants explained that the terms "tribes" and "indigenous people" were not synonymous.

15. Some participants stated their desire to use the term "indigenous peoples" as opposed to "indigenous people". Other participants noted that reference to "indigenous peoples" was inappropriate in an international environment because the term "peoples" suggests a right of self-determination and sovereignty over natural resources.

B. United Nations body to which proposed forum would report and its relationship with the United Nations (item 1 (b))

16. It was suggested by some participants that the permanent forum should be established at a high level of the United Nations. They considered that it would be appropriate for the forum to report to the Economic and Social Council, and that this would be essential if the forum were to consider issues other than human rights such as health, development, environment, education and culture.

17. Other participants suggested instead that the Working Group on Indigenous Populations might have an expanded mandate to include new issues.

18. Some participants suggested that, before taking a decision on a permanent forum, the existing mechanisms, procedures and programmes within the United Nations for coordination and for the promotion of the rights of indigenous people should be reviewed and used more effectively. It was noted that the United Nations Conference on Environment and Development (1992) called upon United Nations organs, programmes and specialized agencies to adopt mechanisms which would ensure the coherent and coordinated incorporation of the views of indigenous people in the design and implementation of all policies and programmes. A similar call was made by the United Nations World Conference on Human Rights (1993) and the General Assembly in its resolutions relating to the International Decade of the World's Indigenous People (48/163 and 49/214). It was important for these United Nations bodies to report on the efforts they had undertaken to ensure incorporation of the views of organizations of indigenous people in their activities. It was suggested that the Secretary-General should undertake the preparation of such a report.

19. Other participants supported the idea of a review provided that such a review would be undertaken promptly in close consultation with indigenous people and in parallel with the ongoing dialogue on a permanent forum.

20. It was suggested that intergovernmental organizations should be invited to participate in the continuation of any dialogue on a permanent forum.

21. Some delegations, addressing this and the following sub-items, indicated that their comments were made without prejudice to their position regarding a clear definition of indigenous people.

C. Mandate and terms of reference and activities that might be undertaken by the forum (item 1 (c) and (d))

22. Some participants, including the independent experts, indicated that the overall goal of the permanent forum should be to promote peace and prosperity in accordance with the Charter of the United Nations.

23. Some participants expressed the view that the permanent forum should deal in a comprehensive way with all issues affecting indigenous people, encompassing functions such as coordination within the United Nations system of activities related to indigenous people, providing guidance and advice to interested parties, disseminating information on the conditions and needs of indigenous people, and promoting understanding among peoples. A suggestion was also made that the mandate of the Trusteeship Council of the United Nations might be changed to allow issues of concern to indigenous people to be raised. That body might serve as a future permanent forum.

24. However, the view was expressed by other participants under this agenda item that before considering the question of the elaboration of the mandate and terms of reference of the permanent forum, efforts should be made to ensure that existing mechanisms and procedures were fully utilized to address indigenous issues.

D. Membership and participation of indigenous people (item 1 (e) and (f))

25. The importance of striking the right balance between legitimacy and effectiveness of a permanent forum was made by some participants.

26. Some participants favoured membership of a permanent forum which would include governmental and indigenous representation. Some suggestions were made concerning the size and the exact composition of the permanent forum. Some participants considered that an optimum membership of the permanent forum might be between 10 and 20 with consideration of parity and geographical balance.

27. It was suggested that the permanent forum should be open to all indigenous people to attend as observers regardless of whether they had consultative status with the Economic and Social Council.

28. Some participants expressed the view that a permanent forum should be an intergovernmental body of Member States only, and that indigenous people could be observers.

E. Relationship with Working Group on Indigenous Populations (item 1 (g))

29. Some participants noted that the World Conference on Human Rights called on the Commission on Human Rights to consider a renewal of the mandate of the

Working Group on Indigenous Populations on its completion of the draft declaration on the rights of indigenous peoples. They further noted that the Commission on Human Rights, in its resolution 1995/31, authorized the Working Group on Indigenous Populations to continue for one year and meet for five days in 1995.

30. Some participants underlined the importance of the Working Group on Indigenous Populations and the quality of its work and procedures. They also believed that until a permanent forum was established, the Working Group on Indigenous Populations should continue to do its work. Some participants also held the view that depending on the outcome of a permanent forum, the terms of reference of the Working Group on Indigenous Populations might need to be reviewed.

31. It was suggested that the focus of the Working Group on Indigenous Populations should remain on human rights and that a permanent forum could concentrate on development questions and coordination of indigenous issues in the United Nations system.

32. Some participants suggested that instead of creating a new body, the mandate of the Working Group on Indigenous Populations could be expanded to include economic, social and cultural rights as well as development issues.

33. A suggestion was made that it was not meaningful to discuss the relationship between a permanent forum and the Working Group on Indigenous Populations until a review of existing activities for indigenous people in the United Nations had been carried out as mentioned above.

F. Financial and secretariat implications and other matters (item 1 (h) and (i))

34. It was recognized by participants that a permanent forum would have financial implications. Some participants felt that these financial requirements could be met from the regular budget and voluntary contributions from Governments. It was also mentioned that indigenous people were ready to contribute financially towards the activities of a permanent forum.

35. It was recognized that any proposal for a permanent forum should be looked at carefully in light of the financial limitations of the United Nations budget and efforts to improve the efficiency of the Organization.

36. Some participants considered that it was premature to discuss the question of the location of a permanent forum.

37. Some participants mentioned New York or Geneva as possible locations for the forum. Other participants pointed to the desirability of meeting away from Headquarters or other United Nations centres.

38. The indigenous representatives prepared a paper reflecting their positions and hopes and it was circulated at the workshop. Unfortunately the workshop did not have time to consider the paper, which is annexed to this document.

39. The comments and suggestions contained herein would be transmitted to the Working Group on Indigenous Populations at its thirteenth session, in accordance with Commission on Human Rights resolution 1995/30. Some participants suggested that the Working Group on Indigenous Populations should devote sufficient time to this issue at its next session.

40. There was a spirit of partnership active amongst all participants in the workshop. Many expressed the view that the dialogue had usefully addressed relevant issues.

ANNEX

Statement of mission of a permanent forum for indigenous peoples*

1. Bearing in mind the vision and wisdom of indigenous peoples:

"If the White man wants to live in peace with the Indian he can live in peace ... treat all men alike. Give them all the same law. Give them all an even chance to live and grow. All men were made by the same Great Spirit Chief. They all are brothers. The Earth is the mother of all people, and people should have equal rights upon it ... We only ask an even chance to live as other men live. We ask to be recognized as men. We ask that the same law shall work alike on all men ... Let me be a free man ... free to work, free to trade, free to choose my teachers, free to follow the religion of my fathers, free to think and talk and act for myself and I will obey every law, or submit to the penalty". (Chief Joseph of the Nez Perce, 1879).

2. Indigenous peoples of the world noting and supporting the call of the International Community (under the provisions of article 22 of the Rio Declaration on Environment and Development and in chapter 26 of Agenda 21 thereof) for the establishment of a permanent forum for indigenous peoples.

3. The vision of a permanent forum should encompass at least the following:

(a) in the spirit of partnership and collaboration launched by the International Year of the World's Indigenous People and embodying the resolution for the International Decade of the World's Indigenous People;

(b) and recognizing the need for a sincere political effort to achieve a permanent forum for indigenous peoples;

(c) and that this can only happen through a process of dialogue involving all parties on Nation-to-Nation levels;

(d) and that a need for a permanent forum to ensure indigenous participation in, access to, and a voice in the United Nations system;

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* The statement was submitted on behalf of the following indigenous organizations: Aboriginal and Torres Strait Islander Commission, Asia Indigenous Peoples Pact, Asociacion Napguana, Comisión Jurídica de los Pueblos de Integración Tawantinsuyana, Confederación Indígena de Bolivia, Consejo de Todas las Tierras, Consultorio Jurídico de Pueblos Indigenas de Panamá, Coordenaçao das Organizaçoes Indigenas da Amazonia Brasileira, Coordinación de Organizaciones del Pueblo Maya de Guatemala, Grand Council of the Crees (of Quebec), International Indian Treaty Council, International League of Indigenous Peoples and Ethnic Groups, Maa Development Association, Maori Congress, National Aboriginal and Torres Strait Islander Legal Services Secretariat, National Federation of Indigenous Peoples of the Philippines, South East Treaty 4 Tribal Council and World Council of Indigenous Peoples.

(e) and by calling the forum permanent as a matter of urgency to address dimensions of urgency;

(f) calls for the creation of a body to deal with issues of interest to the world's 350 million indigenous peoples to influence their own future;

(g) and that the collective rights and freedoms of indigenous peoples be recognized as the most sacred and highest rights;

(h) and appreciating that humanity has benefited from culture and lifestyles unique to indigenous peoples.

4. Accordingly, a permanent forum for indigenous peoples should keep in mind and undertake a wide range of operational activities including the following:

(a) be able to make clear decisions and intervene effectively on an urgent basis on behalf of indigenous peoples throughout the world;

(b) be involved in and coordinate action for the resolution of conflicts affecting indigenous peoples in any way;

(c) oversee the implementation and monitor the effectiveness of international and regional instruments and programmes affecting indigenous peoples;

(d) monitor and advise on the implementation and effectiveness of actions of United Nations bodies and Member States in relation to indigenous peoples;

(e) provide indigenous peoples with a high-level and public forum to participate in decisions and consider a wide range of matters affecting indigenous peoples in the areas of development, environment, culture, education, economics, social, intellectual property, trade; with particular emphasis on traditional and innovative systems;

(f) eliminate racism and discrimination against indigenous peoples;

(g) promote and advance world acceptance and understanding of all peoples.

The above are but SOME ONLY of the views and desires of indigenous peoples of the world regarding a permanent forum and is the product of the concerns expressed by those representatives of indigenous peoples in attendance at the Copenhagen workshop on the establishment of a permanent forum.